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Proposed Lead Counsel

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SUMNER D. BEARMAN, Individually And
On Behalf of All Others Similarly Situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,
BANC OF AMERICA INVESTMENT
SERVICES, INC., and BANC OF AMERICA
SECURITIES, LLC,

Defendants.

CASE NO. 08-cv-1115-DMS -WMC

AMENDED NOTICE OF MOTION FOR
CONSOLIDATION, APPOINTMENT AS
CO-LEAD PLAINTIFFS AND APPROVAL
OF CO-LEAD PLAINTIFFS' SELECTION
OF CO-LEAD COUNSEL

DATE: September 12, 2008
TIME: 1:30 p.m.
CTRM: 10
JUDGE: Dana M. Sabraw

NOTICE OF MOTION TO CONSOLIDATE, APPOINT AS CO-LEAD PLAINTIFFS
AND APPROVE CO-LEAD COUNSEL

PLEASE TAKE NOTICE that Hanoch Ben-Tal, as Trustee for the Ben-Tal Family Trust, and Aric A. Streit and Mary Streit, as Trustees for the Benefit of The Streit Living Trust (“Movants”) submitted a Memorandum of Law, an Order, and the Declaration of Jeff S. Westerman in support of this Motion on July 21, 2008. Movants, by their counsel, hereby move this Court on September 12, 2008, for an order: (i) consolidating the above-captioned action with any other related actions for all purposes pursuant to Fed. R. Civ. P. 42(a); (ii) appointing Hanoch Ben-Tal, as Trustee for the Ben-Tal Family Trust, and Aric A. Streit and Mary Streit as Trustees for the Benefit of The Streit Living Trust as Co-Lead Plaintiffs in the above-captioned action and any related actions alleging violations of the securities laws; (iii) approving Movants’ selection of the law firms of Milberg LLP (“Milberg”) and Law Offices of George A. Shohet, A Professional Corporation (“Shohet”) to serve as Co-Lead Counsel in the Securities Actions; and (iv) granting such other and further relief as the Court may deem just and proper.

Dated: July 22, 2008

MILBERG LLP
JEFF S. WESTERMAN

/s/ Jeff S. Westerman

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DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, employed in the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los Angeles, California 90071-3149.

2. That on July 22, 2008, declarant served the AMENDED NOTICE OF MOTION FOR CONSOLIDATION, APPOINTMENT AS CO-LEAD PLAINTIFFS AND APPROVAL OF CO-LEAD PLAINTIFFS' SELECTION OF CO-LEAD COUNSEL by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 22nd day of July, 2008, at Los Angeles, California.



ANN MARIE GENOVESE

Bank of America Corporation
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